

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-7 were pending in this application when last examined.

Claims 1-7 were examined on the merits and stand rejected.

Claims 1-6 are amended herein to clarify the claimed invention. Support for these amendments may be found in the claims as originally filed and in the specification on page 4, lines 5-9; page 7, lines 19-22; page 8, line 23 to page 9, line 7; and page 11, lines 12-21.

Claim 7 is cancelled herein without prejudice or disclaimer thereto.

No new matter has been added.

II. NOVELTY REJECTIONS

On pages 2-4 of the Office Action, a number of claims are rejected under 35 U.S.C. 102(b):

A. On page 2, claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (U.S. Pub. No. 2004/0086624).

B. On pages 2-3, claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Morehouse et al. (U.S. Pat. No. 3,966,971).

C. On page 3, claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by McCabe (U.S. Pat. No. 3,733,207).

D. On pages 3-5, claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Magnino et al. (U.S. Pat. No. 3,853,839).

E. On page 4, claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chinese Pat. No. 1253173.

Regarding Saito, Morehouse, McCabe and Magnino, Applicants note that these references disclose that acid-soluble soybean protein can be dissolved in water. Therefore, these references do not describe a polar solvent containing alcohol. That is, these references do not describe the claimed invention, as amended herein.

Regarding CN1253173, Applicants note that the soybean protein powder of CN1253173 is obtained by drying soybean slurry (see claim 7 of CN1253173). In addition, CN1253173 discloses that it is necessary to homogenize the syrup containing the soybean protein powder (for example, see claim 4 of CN1253173). Therefore, the soybean protein powder of CN1253173 is not dissolved. At a minimum, it is clear that the soybean protein powder of CN1253173 obtained by only drying soybean slurry does not have solubility of 60% or more at pH 4.0 or lower. Applicants respectfully submit that the soybean protein powder of CN1253173 is clearly different from the acid-soluble soybean protein of the claimed invention.

With regard to the rejection over Saito et al. (U.S. Pat. Pub. No. 2004/0086624), Applicants note that the present application is the National Stage of International Application No. PCT/JP2005/003332, filed February 28, 2005. Thus, in accordance with U.S. practice, the present application has a filing date of February 28, 2005. On the other hand, Saito et al. was published as noted on May 6, 2004. This is less than one year prior to the international filing date, thereby obviating rejection under 35 U.S.C. 102(b).

For all of these reasons, Applicants respectfully submit that the claimed invention, as amended herein, is not anticipated by the cited references. Therefore, the rejections are untenable, as applied to the amended claims, and should be withdrawn.

III. OBVIOUSNESS REJECTION

On pages 4-6 of the Office Action, claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chinese Pat. No. 1253173.

As above explained, the soybean protein powder of CN1253173 is not dissolved. CN1253173 only discloses that the soybean protein powder is added and forcibly dispersed by homogenization in a solution containing grape juice and alcohol. Therefore, CN1253173 neither teaches nor suggests the claimed invention, as amended herein, in which acid-soluble soybean protein is in a state of dissolution in a polar solvent containing alcohol.

Applicants respectfully assert that one skilled in the pertinent art would have no reason to modify the teachings of CN1253173 in order to arrive at the claimed invention, nor any reasonable expectation of success in doing so. Therefore, Applicants respectfully submit that rejection is untenable, as applied to the amended claims, and should be withdrawn.

CONCLUSION

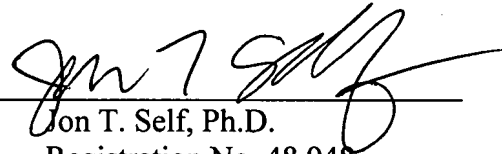
In view of the foregoing Amendments and Remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Toshio KIRIYAMA et al.

By



Jon T. Self, Ph.D.

Registration No. 48,948

Attorney for Applicants

WMC/JTS/clw
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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